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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/939,271	08/24/2001	Anne Lafage	PHFR 000078	2592

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EXAMINER

EDWARDS, PATRICK L

ART UNIT PAPER NUMBER

2621

DATE MAILED: 06/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/939,271

Applicant(s)

LAFAGE ET AL

Examiner

Patrick L Edwards

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With regard to claim 1, the applicant recites 'forming successive groups of data' and then further recites 'generating a basic control data item [BCD] and an additional control data item [SCD]'. Both the basic control data item and the additional control data item provide information about a "data item". However, the term "data item" used in and of itself (i.e. not preceded by the words "basic control" or "additional control", lacks antecedent basis in the claim. For examination purposes, the term "data item" used by itself, will be interpreted herein to be an element of one of the previously recited "groups of data [GRP]".

The above argument also applies to claims 2 and 3.

Additionally referring to claims 1-3, the metes and bounds of the word "terminals" as recited in the claims are not clear. Furthermore, the specification fails to provide a clear and unambiguous definition of this term.

Claim Rejections - 35 USC § 101

3. 35 U.S.C 101 reads as follow:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claim 3 is rejected under 35 U.S.C 101 as being directed to non-statutory subject matter. As currently written, this claim recites purely functional descriptive material, which is non-statutory. This problem can be easily remedied by replacing the currently recited phrase "a computer program product" with "a computer program product, stored on a computer readable medium".

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this

Art Unit: 2621

subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1, 2 and 3 are rejected under 35 U.S.C. 102(e) as being anticipated by Regis Gratacap (USPN 6,195,368 B1). This document will be referred to herein as 'Gratacap' or 'the Gratacap reference'.

With regard to claim 1, which is representative of claim 2, Gratacap discloses an input circuit for forming successive groups of data.

Gratacap discloses a remultiplexer 30 (shown in Figure 1), which comprises a plurality of remultiplexer nodes 100 (shown in Figure 4). An individual remultiplexer node, all of which are identical (col. 13 lines 49-51), is shown in Figure 2 in more detail. The remultiplexer of Gratacap is operable to form transport streams (col. 12 line 60 – col. 13 line 9). The remultiplexer and transport streams disclosed in Gratacap are analogous to the "input circuit" and "successive groups of data", respectively, as recited in the claim. The transport streams are clearly described in the Gratacap reference as a group of data (Gratacap col. 3 line 1 – col. 4 line 59).

Gratacap further discloses generating a basic control data item, which indicates for each data item one of a plurality of terminals to which the data item should be applied (col. 32 lines 27-54 in conjunction with Figure 2). The transport packets disclosed in Gratacap are analogous to the data items recited in the claim. These transport packets are what make up the transport stream (col. 3 line 1 – col. 2 line 59). The filter maps disclosed in Gratacap are analogous to the "basic control data item" recited in the claim, because they indicate the new locations in cache that the transport packets are applied (i.e. re-mapped). These new locations in the cache as disclosed in Gratacap are analogous to the terminals as recited in the claim.

Gratacap further discloses an additional control data item (the "status bits" disclosed in Gratacap), which indicates for each data item (i.e. transport packet), if the data item is valid or invalid (col. 17 lines 22-44).

Gratacap further discloses an interconnection network for applying the successive groups of data (i.e. transport packets) to the terminals (i.e. locations in cache) in dependence on the basic control data item (ie. PID filter map) and on the additional control data (i.e. status bits) (col. 32 lines 27-53 of the Gratacap reference). Gratacap discloses that the valid data items (i.e. transport packets to be retained from col. 32 line 48) are applied when an existing data item is deemed invalid (i.e. transport packets to be discarded from col. 32 line 51).

Gratacap further discloses a data processing circuit for processing the data applied to the terminals in order to obtain an output data item (Gratacap col. 32 lines 6-23). The processor 160 disclosed in Gratacap processes the data applied to the terminals (i.e. the transport packets stored in the cache) to obtain an output data item (i.e. the output data items which are included in the transmit stream TS3 disclosed in Gratacap).

With regard to claim 3, computer-readable recording medium that stores a program (i.e. the claimed "computer program product") which causes the computer to execute the steps of a method is essential if the image processing method disclosed in Gratacap is to function. Therefore, a computer program product stored on a computer-readable recording medium is inherently taught by the Gratacap reference.

Art Unit: 2621

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick L Edwards whose telephone number is (703) 305-6301. The examiner can normally be reached on 8:30am - 5:00pm M-F.

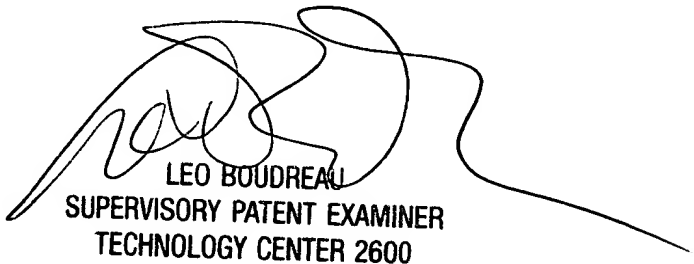
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Boudreau can be reached on (703) 305-4706. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patrick Lynn Edwards

Art Unit 2621

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LEO BOUDREAU
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